

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	CASE NO. 1:15-CR-022
)	
MARC BERCOON)	

DEFENDANT'S MOTION TO RECONSIDER BAIL PENDING SENTENCING

COMES NOW, MARC BERCOON, by and through undersigned counsel, and hereby files this Motion asking that the Court reconsider its ruling that detained Defendant pending the sentencing hearing this matter. As will be set out below, Defendant's father has agreed to pledge one-quarter million dollars into the Registry of this Court. This show of good faith and other conditions of bail more than adequately show by clear and convincing evidence that the Defendant is neither a risk to the community nor a risk of flight.

BACKGROUND

As the Court knows, federal agents approached William Goldstein and Marc Bercoon in August, 2011. Mr. Bercoon engaged in a proffer, with the assistance of counsel, in October, 2011. The parties discussed a potential plea agreement, which was never finalized, in 2012. During that period, Mr. Bercoon was placed on bail and reported to his supervising probation officer.

In January, 2015, the prosecution got its first indictment in this case. Even though he had been represented by counsel for the preceding four years, the government sent agents to arrest Mr. Bercoon at the residence that he shares with his wife and three daughters. Agents in full raid gear swarmed into the house in the

pre-dawn hours, traumatizing the Bercoon girls. One daughter remains in counseling to this day regarding this event.

The Magistrate Judge placed Mr. Bercoon on bail, with electronic monitoring. That monitoring was eventually removed. From January, 2015 until the jury's verdict in February, 2018, Defendant violated the conditions of his release on one occasion: he left the home with his girls on the way to an early school program, and he left the house several minutes before his allotted time. While on bail Defendant has also been given permission to travel out of state to attend to elderly relatives. He attended each and every meeting with counsel and all court hearings without incident.

The Court granted the prosecution's request to remand Mr. Bercoon into custody after the jury's verdict. Since that date, Defendant's wife, who suffers significant health issues, has tried her best to keep her daughters focused and supported. She remains committed to having Defendant present at any and all places where he must be, just as the couple has done since the day in 2011 when federal agents first approached the Defendants.

Defendant's father, Norman Bercoon, is a retired 94-year old accountant who lives in the Chicago area. He and Defendant's mother have been the primary financial support for Defendant over the past several years. Norman Bercoon still supports his son, daughter in-law and granddaughters. Mr. Bercoon, senior, is so steadfast in his support of and belief in his son that he is willing to pledge \$250,000 into the registry of this Court to

secure his son's release pending sentencing in this matter.

Based on the foregoing, Defendant asks that the Court reconsider its earlier ruling that denied bail pending sentencing. Mr. Bercoon asks that the Court release him on bail that is secured by the \$250,000 deposit to be made by Norman Bercoon.

Dated: This 2nd day of April, 2018.

Respectfully submitted,

/s/ Paul S. Kish

PAUL S. KISH

Georgia State Bar No. 424277

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CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the foregoing filing into this District's ECF System, which will automatically forward a copy to counsel of record in this matter.

Dated: This 2nd day of April, 2018.

/s/ Paul S. Kish

PAUL S. KISH

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